

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

TAMMY AVILA,

Plaintiff,

vs.

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant

Civil No. CV-05-3098-CI

ORDER GRANTING PARTIES'
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR, 42 USC
§405(G)

Based on the stipulation of the parties, it is ORDERED that the Commissioner's decision in regard to Plaintiff's applications for disability insurance benefits under Title II of the Social Security Act and for Supplemental Security Income disability benefits under Title XVI of the Social Security Act is REVERSED and REMANDED for further administrative proceedings under sentence four of 42 U.S.C. § 405(g). On remand, a different administrative law judge (ALJ) will consider Plaintiff's testimony that she provided at both of the

1 prior hearings, reconsider the credibility of her subjective statements, reassess
2 Plaintiff's residual functional capacity in light of the entire record, and conduct a
3 new hearing to obtain vocational expert testimony regarding Plaintiff's actual
4 limitations and abilities. Additionally, the ALJ will perform any further
5 development and conduct any further proceedings deemed necessary. The ALJ
6 and Plaintiff may also raise and pursue additional issues, including any discussed
7 in Plaintiff's brief. The parties stipulate that this remand be made pursuant to
8 sentence four of 42 U.S.C. § 405(g), and that Plaintiff will be entitled to
9 reasonable attorney fees and costs pursuant to 28 U.S.C. § 2412 (d), upon proper
10 request to this Court.

11 Judgment is for the Plaintiff and the file shall be closed.

12 DATED this 20th day of June, 2006

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14 s/ CYNIA IMBROGNO
15 UNITED STATES MAGISTRATE JUDGE
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